

**December 13, 2004**

**WEST VIRGINIA BULLETIN NO: WV230-5-2**

**SUBJECT: EOP – Civil Rights Compliance Review (Titles VI & VII)**

**Purpose: To inform selected offices of the Civil Rights Compliance Review and recommend participation of employees.**

**Expiration Date: February 28, 2005**

**Action Requested By: January 3, 2005**

**West Virginia is confirmed for a Civil Rights Compliance Review during January 24-28, 2005. Alfred Roberts, Programs Complaints Branch Chief in Beltsville, Maryland will lead the Review Team. Additional staff members from the Civil Rights Division will assist with the review. This review will help us improve program delivery to our partners and clients, and implementation of equal employment opportunity policies.**

**The Team Members will conduct a review of the following offices:**

**State Office – Morgantown, WV  
Glenville Field Office – Glenville, WV  
Weston Field Office – Weston, WV  
Gassaway Field Office – Gassaway, WV  
Beckley Field Office – Beckley, WV  
Princeton Field Office – Princeton, WV  
Union Field Office – Union, WV  
Lewisburg Field Office – Lewisburg, WV  
Great Kanawha RC&D – Cross Lanes, WV**

**The Team Members will arrive in the State Office on Monday, January 24, 2005 at 8:00 a.m. They will conduct an entrance conference with principal staff and me to explain the scope and methodology of the review process. Selected State Office staff will be interviewed while at the State Office.**

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**The Special Emphasis Program Managers are encouraged to participate in the entrance conference. Other Civil Rights Advisory Committee members are also invited. They will be the first employees interviewed following the entrance conference. The Civil Rights Advisory Committee Chairperson is encouraged to participate in the exit conference on Friday, January 28, 2005.**

**All employees in the Field Office/RC&D Office that have been selected for the Civil Rights Compliance Review are encouraged to participate in the review with the Team Members when they come to your office. Please feel free to discuss any special needs, suggestions, comments, or assistance with the Compliance Review Team during the visit.**

**Attached is a copy of the Civil Rights Compliance Review Requirements. A copy of the itinerary showing the date and time of each office visit will be forthcoming. I ask that the District Conservationists, RC&D Coordinators in the selected offices, and Chairpersons of the Conservation District Boards and RC&D Council Officials, and staff members should last approximately 30 minutes each.**

**The Review Team Members are requesting that each District Conservationist arrange to have at least two landowners/cooperators available for interviews in the field office, or at their place of business. Also, they should provide a listing with current phone numbers of all active landowner/cooperators, identified by RSNOD, in case the Review Team Members wish to contact additional individuals for interviews. Please send this information to Charlotte Wertz at the State Office, by January 3, 2005.**

**The team will conduct the exit conference and discuss the review findings on Friday, January 28, 2005 at the State Office. I look forward to the findings, and with your help, we will implement actions accordingly.**

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**If you have questions, or need additional information, please contact Charlotte Wertz at 304-284-7551, or [Charlotte.Wertz@wv.usda.gov](mailto:Charlotte.Wertz@wv.usda.gov).**

**/s/ Richard Judy, acting for**

**LILLIAN V. WOODS**  
**State Conservationist**

**Attachment: Civil Rights Compliance Review Requirements**

**DIST: E**

**Truman Wolfe, Ex. Director, WVCA, Charleston, WV**  
**Gary Oats, President, WVACD, Waverly, WV**  
**Jim McClelland, Pres., WVRC&D Assoc., Huntington, WV**  
**Richard Coombe, Regional Assistant Chief, East Washington, DC**

## Civil Rights Compliance Review Requirements

### 1. Civil Rights Responsibilities

#### Requirements:

Executive Order 12250 and the Department of Agriculture's regulation (7 CFR Part 15) require agencies to develop plans, procedures, and directives necessary to manage its Civil Rights program. Departmental Regulation 4330-1 requires that program delivery and equal opportunity files be maintained. NRCS offices are required to manage their Civil Rights activities through the following:

- ✓ Handbooks
- ✓ Reports
- ✓ Notices
- ✓ Correspondence
- ✓ The National Civil Rights Implementation Plan
- ✓ The State Civil Rights Implementation Plan

### 2. Title VI and Title VII Training

#### Requirements:

The Departmental Regulation 4330-1 and the NRCS GM 230 Part 405 provides instructions on the responsibilities for providing training on Civil Rights laws and regulations to all staff members.

### 3. Public Notification

#### Requirements:

The Department of Justice's regulation (28 CFR 42.405), the Department of Agriculture's regulation (7 CFR 15.5), the Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 requires offices to inform and provide guidance about changes in the EO policy and NRCS programs and activities.

Examples of how notification is provided include:

- ✓ Newsletters
- ✓ Publications
- ✓ News releases

- √ Meetings
- √ Posters
- √ Personal contacts
- √ Electronic media
- √ Fact sheets
- √ Videos
- √ Through Grassroots Organizations representing minorities, women, and persons with disabilities.

#### 4. Outreach

##### Requirements:

The Department of Agriculture's regulation (7 CFR 15.5), the Departmental Regulation 4300-3, and the NRCS GM 230 Part 405 requires the establishment of outreach programs at the local level to ensure that all persons, especially those who previously may not have participated fully, know about the availability of, and how to use NRCS program services effectively and are encouraged to participate.

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- √ Fact sheets
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#### 5. Title VI and Title VII Complaints of Discrimination

##### Requirements:

The Department of Justice's regulation (28 CFR 42.408), the Department of Agriculture's regulation (7 CFR 15.6), NRCS' GM 230 Part 405, and the "And Justice for All" poster provides the instructions for customers filing a complaint of discrimination in program and/or service delivery when they (customer) feels that he/she has been denied program benefits or services based on any one of the prohibited factors. These regulations and handbooks should be on file along with the poster displayed in a prominent location, and the Form AD-1126 available for use.

The Department of Agriculture's departmental regulation DM 4300-1, dated July 20, 2001, in accordance with 29 CFR 1614, and EEOC Management Directive MD-110, governs the filing and process of discrimination complaints for employees or applicants of USDA agencies who believe he/she has been discriminated against.

6. Evaluation of Program Delivery

Requirements:

The Department of Justice's regulation (28 CFR 42.408), the Department of Agriculture's regulation (7 CFR, Part 15.5), Departmental Regulation 4330-2, and the NRCS GM 230 Part 405 requires the monitoring and evaluation of programs in order to ensure that they are administered in a nondiscriminatory manner.

The Department of Agriculture's regulation (7 CFR, Part 15.5), Departmental Regulation 4330-2 and the NRCS GM 230 Part 405 also require the collection and evaluation of RSNO participation and eligibility data for programs. This data is necessary to determine both quantitatively and qualitatively how effectively Agency programs are reaching all potential beneficiaries and to provide input for management analysis.

7. Partnership Responsibility

Requirements:

The Department of Agriculture's regulation (7 CFR Part 15.5), the Departmental Regulation 4330-2, and the NRCS GM 230 Part 405 set forth the recipients responsibility in program delivery.

8. Access to Title VI and Title VII NRCS Facilities by Persons with Disabilities

Requirements:

The Architectural Barriers Act of 1968 (P.L. 90-480) requires that all buildings and facilities be accessible if, since 1968, they were designed, built, or altered with certain Federal funds, or if they are leased for occupancy by Federal agencies.

The Uniform Federal Accessibility Standards (UFAS) provide the guidelines for architectural compliance with the act.

Section 504 of the Rehabilitation Act of 1973, as amended, regulations in 7 CFR Part 15(e), and the NRCS GM 230 Part 405 requires that all offices are accessible to persons with disabilities.

9. Workforce Analysis

Requirements:

Executive Order 11478 and 29 CFR 1614 requires that the head of each agency exercise personal leadership by establishing, maintaining, and carrying out plans, procedures, and directives necessary to manage an effective EEO program that promotes equality in employment, development, advancement, and treatment of employees. NRCS offices are required to manage their EO activities through the following:

- ✓ Handbooks
- ✓ Directives
- ✓ Reports
- ✓ Notices
- ✓ Correspondence
- ✓ The National Civil Rights Implementation Plan
- ✓ The State Civil Rights Implementation Plan

10. Promotions and Recruitment

Requirements:

Equal Employment Opportunity Commission Regulations 29 CFR, Part 1614.101(a), require the head of each Agency to exercise personal leadership in establishing, maintaining, and carrying out a continuing Affirmative Employment Program. This program is designed to promote equal opportunity in every aspect of Agency personnel policy and practice in the employment, development, advancement, and treatment of employees.

The Equal Employment Opportunity Commission regulation (29 CFR 1614.102(a)(4)), and the NRCS GM 230 Part 400 requires Agencies to communicate its EEO policies, program, and employment needs to all sources of job candidates without regard to age, color, disability, national origin, race, religion, sex, political beliefs, sexual orientation, and/or marital and family status. These regulations also require the Agency to solicit assistance in the recruitment of minorities, women, and persons with disabilities.

11. Employee Awareness

Requirements:

The Equal Employment Opportunity Commission regulations (29 CFR 1614.102(a)(13) and (b)(3)) hold Agencies responsible for communicating Equal Employment Opportunity policies, programs, and employment needs to all employees.

- ✓ NRCS Civil Rights Policy Statement
- ✓ USDA Civil Rights Mission Statement
- ✓ Posters
- ✓ Pamphlets

√ Sexual Harassment Policy Statement

12. Awards and Recognition

Requirements:

Equal Employment Opportunity Commission regulations, 29 CFR 1614.102(a)(5)(10)(13), requires Agencies to:

- √ Review, evaluate, and control managerial and supervisory performance in such a manner to ensure a continuing affirmative application and vigorous enforcement of the policy of equal opportunity,
- √ Provide orientation, training, and advice to managers/supervisors to assure their understanding and implementation of EEO policies and programs,
- √ Provide recognition to employees, supervisors, managers, and units demonstrating superior accomplishment in EEO, and
- √ Inform its employees and recognized employee organizations of the Affirmative EEO policy and program and enlist their cooperation.

13. Civil Rights Advisory Committee

Requirements:

The NRCS GM 230 Part 403 and 404 of the handbook requires the establishment of Equal Opportunity Advisory Committees and Special Emphasis Program Managers to assist and enhance opportunities for designated groups that may include but not limited to under representation in recruitment, employment, and/or personal advancement and development.



**Federal Construction Contracts**

YEAR	NUMBER OF CONTACTS	AMOUNT	TYPE
2004		\$	
2003		\$	
		\$	
2002		\$	
		\$	
2001		\$	
		\$	

**Service Contracts**

YEAR	NUMBER OF CONTACTS	AMOUNT	TYPE
2004		\$	
2003		\$	
		\$	
2002		\$	
		\$	
2001		\$	
		\$	

**Service Purchase Orders**

YEAR	NUMBER OF CONTACTS	AMOUNT	TYPE
2004		\$	
2003		\$	
		\$	
2002		\$	
		\$	
2001		\$	
		\$	